

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Morey L. Sear
United States District Court
Eastern District of Louisiana

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States District Court
Western District of Tennessee

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

April 16, 2002

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: May 30, 2002

LOCATION OF HEARING SESSION: E. Barrett Prettyman U.S. Courthouse
Ceremonial Courtroom No. 20, Sixth Floor
333 Constitution Avenue, N.W.
Washington, D.C. 20001

TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **May 13, 2002**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,

Michael J. Beck
Clerk of the Panel

c: Clerk, U.S. District Court for the District of District of Columbia

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

APRIL 16, 2002

MICHAEL J. BECK
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

***WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, MOREY L. SEAR,
BRUCE M. SELYA, JULIA SMITH GIBBONS, D. LOWELL JENSEN AND J.
FREDERICK MOTZ, JUDGES OF THE PANEL***

HEARING SESSION ORDER

IT IS ORDERED that on May 30, 2002, a hearing session will be held in Washington, D.C., to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
May 30, 2002 -- Washington, D.C.

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1130 -- In re Consolidated "Non-Filing Insurance" Fee Litigation

Opposition of plaintiff Kenneth R. Christ, Jr., to remand of the following action to the United States District Court for the Middle District of Florida:

Middle District of Alabama

Kenneth R. Christ, Jr. v. Beneficial Corp., et al., C.A. No. 2:98-859 (M.D. Florida, C.A. No. 2:98-210)

MDL-1332 -- In re Microsoft Corp. Windows Operating Systems Antitrust Litigation

Opposition of plaintiff Netscape Communications Corporation to transfer of the following action to the United States District Court for the District of Maryland:

District of District of Columbia

Netscape Communications Corp. v. Microsoft Corp., C.A. No. 1:02-97

MDL-1457 -- In re Allstate Insurance Co. Underwriting and Rating Practices Litigation

Motion of defendants Allstate Insurance Company and Allstate Indemnity Company for centralization of the following actions in the United States District Court for the Middle District of Tennessee:

Middle District of Florida

Larry Daniels, Sr., et al. v. Allstate Insurance Co., et al., C.A. No. 8:01-64

Middle District of Tennessee

Woodrow Shelton, Jr. v. Allstate Insurance Co., C.A. No. 3:01-1402

MDL-1458 -- In re Republic Western Insurance Co. Insurance Coverage Litigation

Motion of Republic Western Insurance Company and Republic Claims Service for centralization of the following actions in the United States District Court for the District of Massachusetts or the United States District Court for the District of New Hampshire:

District of Massachusetts

Republic Western Insurance Co. v. Joseph Fratus, et al., C.A. No. 4:01-11716
Republic Western Insurance Co. v. Joseph Obert, Jr., C.A. No. 4:01-40125

District of Rhode Island

Republic Western Insurance Co. v. Jeffrey C. Schreck, et al., C.A. No. 1:99-289
(also pending as a District of New Hampshire action, C.A. No. 1:99-484)
Joseph Obert v. Joseph J. Fratus, et al., C.A. No. 1:01-324
Fred T. Polacek v. Republic Western Insurance Co., C.A. No. 1:01-513
Joseph Obert v. Republic Claims Service Co., et al., C.A. No. 1:01-596

MDL-1460 -- In re Fleet Bank Credit Card Terms Litigation

Motion of plaintiff Joyce Bond for centralization of the following actions in the United States District Court for the District of Rhode Island:

Middle District of Louisiana

Johanna Landreneau, et al. v. Fleet Financial Group, et al., C.A. No. 3:01-26

District of Rhode Island

Joyce Bond v. Fleet Bank (RI), N.A., C.A. No. 1:01-177

MDL-1461 -- In re Shell Oil Products Co. Dealer Franchise Litigation

Motion of plaintiffs Francis Marcoux, et al.; Charles Lagasee, et al.; and Paul Sroczyński, et al., for centralization of the following actions in the United States District Court for the District of Massachusetts:

District of Massachusetts

Francis Marcoux, et al. v. Shell Oil Products Co., Inc., et al., C.A. No. 1:01-11300

District of New Hampshire

Charles LaGasse, et al. v. Shell Oil Products Co., Inc., et al., C.A. No.1:01-430

District of Rhode Island

Paul Sroczyński, et al. v. Shell Oil Products Co., Inc., et al., C.A. No. 1:01-514

MDL-1462 -- In re W.E. Hall Co., Inc., Patent Litigation

Motion of plaintiff W.E. Hall Co., Inc., for centralization of the following actions in the United States District Court for the Northern District of Georgia:

Northern District of Georgia

W.E. Hall Co., Inc. v. Atlanta Corrugating, LLC, C.A. No. 1:01-1261

Western District of Michigan

W.E. Hall Co., Inc. v. Charlotte Corrugating, LLC, et al., C.A. No. 1:01-611

MDL-1463 -- In re Xerox Corp. Securities Litigation

Motion of defendants Xerox Corporation; Paul A. Allaire; G. Richard Thoman; Anne M. Mulcahy; Barry D. Romeril; Philip Fishbach; Gregory Tayler; and Eunice M. Filter for centralization of the following actions in the United States District Court for the District of Connecticut:

District of Connecticut

Russell Carlson, et al. v. Xerox Corp., et al., C.A. No. 3:00-1621
Roslyn Feder v. Xerox Corp., et al., C.A. No. 3:00-1758
Joseph Gladke v. Xerox Corp., et al., C.A. No. 3:00-1779
Sylvia Cohen v. Xerox Corp., et al., C.A. No. 3:00-1792
Paul Dantzig v. Xerox Corp., et al., C.A. No. 3:00-1795
Susan Fleischman v. Xerox Corp., et al., C.A. No. 3:00-1824
Herman Krangel, et al. v. Xerox Corp., et al., C.A. No. 3:00-1846
Noah Minkin v. Xerox Corp., et al., C.A. No. 3:00-1883
Dr. Robert Corwin v. Xerox Corp., et al., C.A. No. 3:00-1908
James A. Francis v. Xerox Corp., et al., C.A. No. 3:00-1916
David Scott Snyder v. Xerox Corp., et al., C.A. No. 3:00-1967
Kenneth Mady v. Xerox Corp., et al., C.A. No. 3:00-2029
Margolis Partnership v. Xerox Corp., et al., C.A. No. 3:01-244
Roelf Iest v. Xerox Corp., et al., C.A. No. 3:01-285
Debbie Anderson v. Xerox Corp., et al., C.A. No. 3:01-341
Garth Nicholls v. Xerox Corp., et al., C.A. No. 3:01-449
George T. Demarest v. Xerox Corp., et al., C.A. No. 3:01-497
Wazir Sajan v. Xerox Corp., et al., C.A. No. 3:01-583
Michael Eannazzo v. Xerox Corp., et al., C.A. No. 3:01-584
1993 GF Partnership #3, et al. v. Xerox Corp., et al., C.A. No. 3:01-591
David A. Del Corso v. Xerox Corp., et al., C.A. No. 3:01-614

Northern District of Florida

Florida State Board of Administration, et al. v. Xerox Corp., et al., C.A. No. 4:02-8

MDL-1464 -- In re Van Wagoner Funds Securities Litigation

Motion of plaintiffs Jack E. Reisman, et al., for centralization of the following actions in the United States District Court for the Eastern District of Wisconsin or the United States District Court for the District of Delaware:

District of Delaware

Jack E. Reisman, et al. v. Van Wagoner Funds, Inc., et al., C.A. No. 1:02-12

Eastern District of Wisconsin

Michael F. Mather v. Van Wagoner Funds, Inc., et al., C.A. No. 2:01-1264

Rosalae Sasson v. Van Wagoner Funds, Inc., et al., C.A. No. 2:01-1296

M. Anita Doohan v. Van Wagoner Funds, Inc., et al., C.A. No. 2:02-14

Eric P. Magistad v. Van Wagoner Funds, Inc., et al., C.A. No. 2:02-36

Gregory Alper, et al. v. Van Wagoner Funds, Inc., et al., C.A. No. 2:02-67

William Lippstreu, et al. v. Van Wagoner Funds, Inc., et al., C.A. No. 2:02-68

Thomas E. Spraley, et al. v. Van Wagoner Funds, Inc., et al., C.A. No. 2:02-157

Stephanie Casolari, et al. v. Van Wagoner Funds, Inc., et al., C.A. No. 2:02-177

MDL-1465 -- In re George Andrew Bratton Litigation

Motion of plaintiff George Andrew Bratton for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

George Andrew Bratton v. E. Roe, et al., C.A. No. 2:00-528

Eastern District of California

George Andrew Bratton v. Steven Cambra, et al., C.A. No. 2:01-1432

MDL- 1466 -- In re PrimeVision Health, Inc., Contract Litigation

Motion of PrimeVision Health, Inc., for centralization of the following actions in the United States District Court for the Eastern District of North Carolina:

Eastern District of California

Fogg, Maxwell & Lanier, M.D., Inc., et al. v. PrimeVision Health, Inc., et al.,
C.A. No. 1:01-6294

Southern District of Indiana

Eye Associates of Southern Indiana, P.C., et al. v. PrimeVision Health, Inc.,
C.A. No. 4:01-251

Western District of Kentucky

Huntington & Distler, P.S.C., et al. v. PrimeVision Health, Inc., et al.,
C.A. No. 3:01-678

Eastern District of North Carolina

PrimeVision Health, Inc. v. Charles Retina Institute, P.C., et al., C.A. No. 5:01-853

Western District of Tennessee

Charles Retina Institute, P.C. , et al. v. Opticare Health Systems, Inc., et al.,
C.A. No. 2:01-2809

MDL-1467 -- In re Tri-State Crematory Litigation

Motion of plaintiffs Carol A. Bechtel, et al., for centralization of the following actions in the United States District Court for the Northern District of Georgia:

Southern District of Alabama

Lorie Ann Walley, et al. v. Tri-State Crematory, Inc., et al., C.A. No. 1:02-149

MDL-1467 (Continued)

Northern District of Georgia

Eleanor Kitter Dent v. Tri-State Crematory, Inc., et al., C.A. No. 4:02-32
Carol A. Bechtel, et al. v. Tri-State Crematory, Inc., et al., C.A. No. 4:02-41

MDL-1468 -- In re Universal Service Fund Telephone Billing Practices Litigation

Motion of defendants AT&T Corporation; MCI WorldCom Communications, Inc.; and Sprint Corporation for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Central District of California

Roger Gerdes v. AT&T Corp., et al., C.A. No. 2:02-1136

Northern District of Illinois

Phoebe J. Jiminez, et al. v. AT&T Corp., C.A. No. 1:02-847
Henry J. Shannon, Jr., et al. v. AT&T Corp., C.A. No. 1:02-1978

Southern District of Illinois

Ruth Jansen v. MCI Telecommunications Corp., et al., C.A. No. 3:01-765
Cornita Driver v. AT&T Corp., C.A. No. 3:02-7
Tara Knight v. Sprint Corp., C.A. No. 3:02-174
Sandra K. Ragan v. AT&T Corp., C.A. No. 3:02-192

District of Kansas

Stephen Doherty v. AT&T Corp., C.A. No. 2:02-2118

MDL-1468 (Continued)

Middle District of North Carolina

Tomi White Bryan v. Sprint International Communications Corp., C.A. No. 1:02-178
Harry Grant v. AT&T Corp., C.A. No. 1:02-187
Joseph W. Warner v. MCI WorldCom Communications Corp., Inc.,
C.A. No. 1:02-191

Western District of Oklahoma

Rod Jantz v. AT&T Corp., C.A. No. 5:02-337

MDL-1469 -- In re Indian Motorcycle Bankruptcy and Receivership Litigation

Motion of Sterling Consulting Corporation for centralization of the following actions in the United States District Court for the District of Colorado:

District of Colorado

In re Indian Motorcycle Manufacturing, Inc. Receivership & Concerning the United States of America, C.A. No. 1:95-777

District of Massachusetts

In re Indian Motorcycle Co., Inc., Bky. No. 4:93-41954
In re Indian Motorcycle Apparel & Accessories Co., Inc., Bky. No. 4:93-41955
In re Indian Motorcycle Manufacturing Co., Inc., Bky. No. 4:94-42288
United States of America v. Sterling Consulting Corp., et al., BAP No. 4:00-94
Sterling Consulting Corp., et al. v. Internal Revenue Service, C.A. No. 4:01-40180
Sterling Consulting Corp., et al. v. Internal Revenue Service, C.A. No. 4:02-40027

MDL-1470 -- In re Pharmacy Benefit Plan Administrators Pricing Litigation

Motion of plaintiffs Gerald R. Minshew, etc.; Gail Marantz, etc.; Lisa Lewis, etc.; Roland Bickley, etc.; and Monica Keim, etc., for centralization of the following actions in the United States District Court for the Northern District of California:

District of Arizona

Gerald R. Minshew, etc. v. Express Scripts, Inc., C.A. No. 2:01-2412

Gail Marantz, etc. v. AdvancePCS, Inc., C.A. No. 2:01-2413

Lisa Lewis, etc. v. AdvancePCS, Inc., C.A. No. 2:02-507

Central District of California

Roland Bickley, etc. v. Caremark RX, Inc., C.A. No. 5:02-241

Northern District of California

Monica Keim, etc. v. Merck-Medco Managed Care, LLC, et al., C.A. No. 3:01-4513

MDL-1471 -- In re Compensation of Managerial, Professional, and Technical Employees
Antitrust Litigation

Motion of defendants Shell Oil Company; ExxonMobil Corporation; ATOFINA Petrochemicals, Inc.; Chevron Corporation; Conoco, Inc.; Marathon Oil Company; Occidental Petroleum Corporation; Phillips Petroleum Company; Sunoco, Inc. (R&M); Texaco Inc.; and Union Oil Company of California for centralization of the following actions in the United States District Court for the Southern District of New York:

District of New Jersey

A. Russell Hoge v. Exxon Mobil Corp., et al., C.A. No. 3:02-892

Southern District of New York

Roberta Todd v. Exxon Corp., et al., C.A. No. 1:97-4557

Eastern District of Texas

Thomas J. Ryan, et al. v. Amoco Corp., et al., C.A. No. 5:02-55

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Western District of Arkansas

Joseph William Johnston v. ACandS, Inc., et al., C.A. No. 2:01-2316

Middle District of Florida

Edmond J. Collins, et al. v. Rapid-American Corp., et al., C.A. No. 3:01-1370
Jenny Holdiness, etc. v. Owens-Corning Fiberglas Corp., et al., C.A. No. 3:01-1461
Johnny E. Curry, et al. v. Owens-Corning Fiberglas Corp., et al., C.A. No. 3:01-1462
James T. Lewis, et al. v. Owens-Corning Fiberglas Corp., et al., C.A. No. 3:01-1463
Robert P. Slaten, et al. v. Owens-Corning Fiberglas Corp., et al., C.A. No. 3:01-1464
Joyce Blackburn, etc. v. ACandS, Inc., et al., C.A. No. 3:01-1465
Yvonne Williams, etc. v. Rapid-American Corp., et al., C.A. No. 3:01-1469
Esther K. Crumbley, etc. v. Owens-Corning Fiberglas Corp., et al.,
C.A. No. 3:01-1470

Eastern District of Kentucky

Olive Marshall, etc. v. Metropolitan Life Insurance, et al., C.A. No. 7:01-373
Olive Marshall, etc. v. Metropolitan Life Insurance Co., et al., C.A. No. 7:01-402

Eastern District of Louisiana

Weston H. Hampton, et al. v. Owens-Illinois, Inc., et al., C.A. No. 2:01-3654
Alton James Olinde v. Allied Signal, Inc., et al., C.A. No. 2:01-3656
George R. Douglas, et al. v. Allied Signal, Inc., et al., C.A. No. 2:01-3657
Alton James Olinde v. Allied Signal, Inc., et al., C.A. No. 2:01-3847
George R. Douglas, et al. v. Allied Signal, Inc., et al., C.A. No. 2:01-3849

MDL-875 (Continued)

Middle District of Louisiana

James Loyd Hoyt v. Owens-Corning Fiberglas Corp., et al., C.A. No. 3:01-1058
John Henry Jeanpierre v. Owens-Corning Fiberglas Corp., et al., C.A. No. 3:01-1059
Ernest Piper, II v. Owens-Corning Fiberglas Corp., et al., C.A. No. 3:01-1061
Jack P. Burge, et al. v. Owens-Corning Corp., et al., C.A. No. 3:01-1062

Western District of New York

Robert William Gittens, Jr., et al. v. ACandS, Inc., et al., C.A. No. 1:01-847
Thomas L. Larabee, et al. v. ACandS, Inc., et al., C.A. No. 1:01-848
David F. Avery v. ACandS, Inc., et al., C.A. No. 1:01-849
Thomas W. Smith v. ACandS, Inc., et al., C.A. No. 1:01-850
Thomas A. DiSanto, et al. v. ACandS, Inc., et al., C.A. No. 1:01-852
Joyce Scalzo, etc. v. Allied Signal, Inc., et al., C.A. No. 1:01-856
Elliott R. Holmes, etc. v. ACandS, Inc., et al., C.A. No. 1:01-858
Richard Charles Bailey, et al. v. ACandS, Inc., et al., C.A. No. 1:01-859
William J. Urwin, et al. v. ACandS, Inc., et al., C.A. No. 1:01-860
Mary Kelly, etc. v. ACandS, Inc., et al., C.A. No. 1:01-861
David Besanceney, et al. v. Borg-Warner Corp., et al., C.A. No. 1:01-864
Clifford Schiess v. ACandS, Inc., et al., C.A. No. 1:01-872
Carol M. Ozga, et al. v. Allied Signal, Inc., et al., C.A. No. 1:01-874
Keith D. Schendel, et al. v. A.P. Green Industries, Inc., et al., C.A. No. 1:01-892

District of North Dakota

Arne W. Christianson v. ACandS, Inc., et al., C.A. No. 2:01-141
Judy Saragoza, et al. v. ACandS, Inc., et al., C.A. No. 2:01-142
Myles Drellack v. A.H. Bennett Co., et al., C.A. No. 2:01-143
Obert Amble v. Allied Signal, Inc., et al., C.A. No. 2:01-144
Clinton T. Dowling v. A.H. Bennett Co., et al., C.A. No. 2:01-145
Edwin Gartner v. Allied Signal, Inc., et al., C.A. No. 3:01-146
Coralee Erickson, etc. v. Allied Signal, Inc., et al., C.A. No. 3:01-147

MDL-1091 -- In re Metropolitan Life Insurance Co. Sales Practices Litigation

Opposition of plaintiff Daniel Ray Weathers to transfer of the following action to the United States District Court for the Western District of Pennsylvania:

Northern District of Mississippi

Daniel Ray Weathers v. Metropolitan Life Insurance Co., et al., C.A. No. 1:02-40

MDL-1122 -- In re Jackson National Life Insurance Company Premium Litigation

Opposition of plaintiffs Jean C. Wood, et al., to transfer of the following action to the United States District Court for the Western District of Michigan:

District of South Carolina

Jean C. Wood, et al. v. Jackson National Life Insurance Co., C.A. No. 3:01-4821

MDL-1179 -- In re General American Life Insurance Company Sales Practices Litigation

Opposition of plaintiffs Daniel W. Ernsberger, et al.; Charles Kenneth Knouse, et al.; Patricia S. Palashoff, et al.; Donald R. Calairo; and Rebecca Brainard to transfer of their respective following actions to the United States District Court for the Eastern District of Missouri:

Western District of Pennsylvania

Daniel W. Ernsberger, et al. v. General American Life Insurance Co., et al.,
C.A. No. 2:02-276

Charles Kenneth Knouse, et al. v. General American Life Insurance Co., et al.,
C.A. No. 2:02-277

Patricia S. Palashoff, et al. v. General American Life Insurance Co., et al.,
C.A. No. 2:02-278

Donald R. Calairo v. General American Life Insurance Co., et al., C.A. No. 2:02-302

Rebecca Brainard v. General American Life Insurance Co., et al., C.A. No. 2:02-303

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products
Liability Litigation

Oppositions of plaintiffs and defendant J. Howard Griner, M.D., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Middle District of Georgia

Mark Bryant, etc. v. Geneva Pharmaceuticals, Inc., et al., C.A. No. 6:01-84

Eastern District of Louisiana

Sandra Anderson, et al. v. American Home Products Corp., et al., C.A. No. 2:02-72
Melanie Boudreaux, et al. v. American Home Products Corp., et al., C.A. No. 2:02-73
Cynthia Acosta, et al. v. American Home Products Corp., et al., C.A. No. 2:02-74
Ann Franz, et al. v. American Home Products Corp., et al., C.A. No. 2:02-85
Carole Creighton, et al. v. American Home Products Corp., et al., C.A. No. 2:02-86
Gwendolyn Hart, et al. v. American Home Products Corp., et al., C.A. No. 2:02-87
Brenda Brice, et al. v. American Home Products Corp., et al., C.A. No. 2:02-90
Janice Elstrott, et al. v. American Home Products Corp., et al., C.A. No. 2:02-120
Peggy Martinez, et al. v. American Home Products Corp., et al., C.A. No. 2:02-144
Rosalie Bergeron, et al. v. American Home Products Corp., et al., C.A. No. 2:02-145
Cathy Cheramie v. American Home Products Corp., et al., C.A. No. 2:02-147
Sandra Anderson, et al. v. American Home Products Corp., et al., C.A. No. 2:02-175
Marilyn Melder, et al. v. American Home Products Corp., et al., C.A. No. 2:02-176
Sandra Anderson, et al. v. American Home Products Corp., et al., C.A. No. 2:02-177
Ann Franz, et al. v. American Home Products Corp., et al., C.A. No. 2:02-284

Middle District of Louisiana

Mary Wyre v. American Home Products Corp., et al., C.A. No. 3:02-78

Southern District of Mississippi

Teresa Carnes, etc. v. American Home Products Corp., et al., C.A. No. 1:02-31
Kathy Green, et al. v. American Home Products Corp., et al., C.A. No. 5:02-26

MDL-1332 -- In re Microsoft Corp. Windows Operating Systems Antitrust Litigation

Opposition of plaintiff State of West Virginia, etc., to transfer of the following action to the United States District Court for the District of Maryland:

Southern District of West Virginia

State of West Virginia, etc. v. Microsoft Corp., C.A. No. 2:02-3

MDL-1337 -- In re Holocaust Era German Industry, Bank & Insurance Litigation

Motion of plaintiffs Chava Steiner Anderman, et al., for clarification of the Panel's order transferring the following action from the Central District of California to the District of New Jersey:

District of New Jersey

Chava Steiner Anderman, et al. v. Federal Republic of Austria, et al.,
C.A. No. 2:01-5862 (C.D. California, C.A. No. 2:01-1769)

MDL-1344 -- In re Air Crash Near Nantucket Island, Massachusetts, on October 31, 1999

Motion of defendant The Boeing Company for transfer of the following action to the United States District Court for the Eastern District of New York:

Central District of California

Global Technology Enterprises Corp. v. Expeditors International of Washington, Inc., et al., C.A. No. 2:01-10256

MDL-1348 -- In re Rezulin Products Liability Litigation

Oppositions of plaintiffs Carolyn Diane McLendon; Morton Blechman, et al.; Hazel Lee Jefferson, et al.; Sara Lampton, etc.; and Deborah M. Pennifill, et al., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Middle District of Florida

Carolyn Diane McLendon v. Warner-Lambert Co., et al., C.A. No. 2:01-672

District of Minnesota

Morton Blechman, et al. v. Warner-Lambert Co., et al., C.A. No. 0:02-300

Northern District of Mississippi

Hazel Lee Jefferson, et al. v. Warner-Lambert Co., et al., C.A. No. 3:01-195

Southern District of Mississippi

Sara Lampton, etc. v. Warner-Lambert Co., et al., C.A. No. 3:01-995

Eastern District of Virginia

Deborah M. Pennifill, et al. v. Warner-Lambert Co., et al., C.A. No. 1:02-238

MDL-1355 -- In re Propulsid Products Liability Litigation

Opposition of plaintiff Reynoldo Perez to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

District of Nevada

Reynoldo Perez v. Janssen Pharmaceutical, et al., C.A. No. 2:02-46

MDL-1373 -- In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation

Oppositions of plaintiffs Malda Eugenia Simmons McWilliams; Casey P. Accardo, et al.; Taylor Richmond, etc.; Jeremy Richmond, etc.; and Pamela Lee Campbell to transfer of their respective following actions to the United States District Court for the Southern District of Indiana:

Middle District of Georgia

Malda Eugenia Simmons McWilliams v. Bridgestone/Firestone, Inc., et al.,
C.A. No. 5:01-507

Eastern District of Louisiana

Casey P. Accardo, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:02-102

Southern District of Mississippi

Taylor Richmond, etc. v. Bridgestone/Firestone, Inc., et al., C.A. No. 3:02-83
Jeremy Richmond, etc. v. Bridgestone/Firestone, Inc., et al., C.A. No. 3:02-84

Northern District of Oklahoma

Pamela Lee Campbell v. Bridgestone Corp., et al., C.A. No. 4:02-73

MDL-1382 -- In re Unitrin, Inc., Industrial Life Insurance Litigation

Opposition of plaintiff Geneva McDonald to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Southern District of Mississippi

Geneva McDonald v. Unitrin, Inc., et al., C.A. No. 2:01-345

MDL-1390 -- In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Middle District of Alabama

Margaret Winslett v. Life Insurance Co. of Georgia, C.A. No. 2:01-1503
Elizabeth Lowe v. Life Insurance Co. of Georgia, C.A. No. 2:01-1506
Nelson Allen, et al. v. Life Insurance Co. of Georgia, et al., C.A. No. 2:01-1508
Andree Blackmon, et al. v. Life Insurance Co. of Georgia, et al., C.A. No. 3:01-1499
Bennett Fair, Jr. v. Life Insurance Co. of Georgia, C.A. No. 3:01-1501
Cynthia Carter v. Life Insurance Co. of Georgia, C.A. No. 3:01-1502
Bertha Morgan v. Life Insurance Co. of Georgia, C.A. No. 3:01-1504
Willie C. Cobb, et al. v. Life Insurance Co. of Georgia, C.A. No. 3:01-1507

Northern District of Alabama

Flora Cook, et al. v. Life Insurance Co. of Georgia, C.A. No. 1:01-3306
Jo Ann Knight v. Life Insurance Co. of Georgia, C.A. No. 1:01-3307

Southern District of Alabama

Bruce Harris, et al. v. Life Insurance Co. of Georgia, et al., C.A. No. 2:01-901
Estella Brown, et al. v. Life Insurance Co. of Georgia, C.A. No. 2:02-28
Emma Atkins, et al. v. Life Insurance Co. of Georgia, et al., C.A. No. 2:02-48

Middle District of Georgia

Carrie Jones v. Life Insurance Co. of Georgia, C.A. No. 1:02-8

Northern District of Mississippi

Willie Jackson v. Life Insurance Co. of Georgia, et al., C.A. No. 2:02-17
Emma Dorsey v. Life Insurance Co. of Georgia, et al., C.A. No. 4:01-315

MDL-1403 -- In re StarLink Corn Products Liability Litigation

Opposition of plaintiffs Paradise Foods, Inc., et al., to transfer of the following action to the United States District Court for the Northern District of Illinois:

Southern District of Mississippi

Paradise Foods, Inc., et al. v. Aventis Cropscience USA Holding, Inc., et al.,
C.A. No. 2:01-322

MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Oppositions of plaintiffs Dianna J. Williams; Clara Earl, et al.; Jacqueline Coleman; Gayle Williams; Debra Jackson; Linda Ingram; Eddie H. Ratliff, et al.; and Delores Earline Edwards and defendants The Chemins Company, Inc., and Cytodyne Technologies, Inc., to transfer of their respective following actions to the United States District Court for the Western District of Washington:

Southern District of Alabama

Joy Laster, etc. v. Metabolife International, Inc., et al., C.A. No. 1:02-52

Eastern District of Louisiana

Dianna J. Williams v. Bayer Corp., et al., C.A. No. 2:02-290
Clara Earl, et al. v. American Home Products Corp., et al., C.A. No. 2:02-301
Jacqueline Coleman v. Bayer Corp., et al., C.A. No. 2:02-333
Gayle Williams v. Bayer Corp., et al., C.A. No. 2:02-346
Debra Jackson v. Bayer Corp., et al., C.A. No. 2:02-351
Linda Ingram v. Bayer Corp., et al., C.A. No. 2:02-352

Western District of Louisiana

Mable Claiborne, et al. v. American Home Products Corp., et al., C.A. No. 5:02-259

MDL-1407 (Continued)

Northern District of Mississippi

Eddie H. Ratliff, et al. v. Bayer Corp., et al., C.A. No. 4:02-18

Eastern District of Pennsylvania

Delores Earline Edwards v. Chattem, Inc., et al., C.A. No. 2:02-739

MDL-1413 -- In re Buspirone Antitrust Litigation

Opposition of plaintiff Mylan Pharmaceuticals, Inc., to transfer of the following action to the United States District Court for the Southern District of New York:

District of District of Columbia

Mylan Pharmaceuticals, Inc. v. Tommy G. Thompson, et al., C.A. No. 1:00-2876

MDL-1421 -- In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation

Opposition of plaintiffs Gibb Brower, et al., to transfer of the following action to the United States District Court for the District of Maryland:

Southern District of California

Gibb Brower, et al. v. Motorola Inc., et al., C.A. No. 3:02-56

MDL-1428 -- In re Ski Train Fire in Kaprun, Austria, on November 11, 2000

Opposition of defendant TUV Rheinland of North America, Inc., to transfer of the following action to the United States District Court for the Southern District of New York:

District of Connecticut

John S. Habblett, et al. v. TUV Oesterreich, et al., C.A. No. 3:01-1794

MDL-1429 -- In re American General Life & Accident Insurance Co. Industrial Life Insurance Litigation

Opposition of plaintiffs Daisy Pinder, et al., to transfer of the following action to the United States District Court for the District of South Carolina:

Northern District of Mississippi

Daisy Pinder, et al. v. American General Life & Accident Insurance Co., Inc., et al.,
C.A. No. 4:02-27

MDL-1430 -- In re Lupron Marketing and Sales Practices Litigation

Opposition of plaintiff Kenneth David Lee Jarman to transfer of the following action to the United States District Court for the District of Massachusetts:

Southern District of Illinois

Kenneth David Lee Jarman v. TAP Pharmaceutical Products, Inc., et al.,
C.A. No. 3:02-119

MDL-1431 -- In re Baycol Products Liability Litigation

Opposition of plaintiffs Sharon Carter, et al., to transfer of the following action to the United States District Court for the District of Minnesota:

Northern District of Mississippi

Sharon Carter, et al. v. Bayer Corp., et al., C.A. No. 1:01-473

MDL-1437 -- In re McDonald's Corp. Promotional Games Litigation

Opposition of defendants American Broadcasting Companies, Inc.; Disney Enterprises, Inc.; Regis Philbin; and Simon Marketing, Inc., to transfer of the following action to the United States District Court for the Northern District of Illinois:

Northern District of Ohio

Kisha Hagler v. McDonald's Corp., et al., C.A. No. 1:01-2099

MDL-1446 -- In re Enron Corp. Securities, Derivative & "ERISA" Litigation

Motion of plaintiffs Silvercreek Management, Inc., et al., for separate centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of New York

Silvercreek Management, Inc., et al. v. Salomon Smith Barney, Inc., et al.,
C.A. No. 1:02-413

Southern District of Texas

Pulsifer & Associates v. Kenneth L. Lay, et al., C.A. No. 4:01-4356

PROCEDURES FOR ORAL ARGUMENT BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re “East of the Rockies” Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned “Reasons Why Oral Argument Should [Need Not] Be Heard,” and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party’s position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

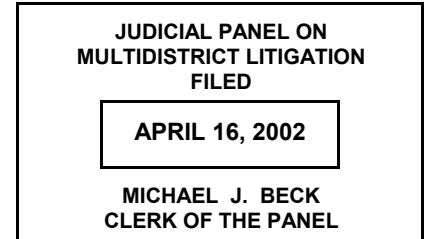
(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.



BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, MOREY L. SEAR, BRUCE M. SELYA, JULIA SMITH GIBBONS, D. LOWELL JENSEN AND J. FREDERICK MOTZ, JUDGES OF THE PANEL

FIRST AMENDMENT TO THE HEARING SESSION ORDER AND ATTACHED
SCHEDULE FILED APRIL 16, 2002

IT IS ORDERED that the Hearing Session Order and attached Schedule filed by the Judicial Panel on Multidistrict Litigation on April 16, 2002, are amended to include the following action on Section B of the Schedule for the hearing session on May 30, 2002, in Washington, D.C.:

MDL-1373 -- In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation

Opposition of plaintiff Douglas M. Alcorn to transfer of the following action to the United States District Court for the Southern District of Indiana:

District of Arizona

Douglas M. Alcorn v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:02-121

FOR THE PANEL:



Wm. Terrell Hodges
Chairman